

**SA 3843.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

**SEC. 10. DEFINITION OF LAND USE REVENUE UNDER WEST LOS ANGELES LEASING ACT OF 2016.**

Section 2(d)(2) of the West Los Angeles Leasing Act of 2016 (Public Law 114-226) is amended—

(1) in subparagraph (A), by striking “; and” and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) any funds received as compensation for an easement described in subsection (e); and”.

**SA 3844.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . DECLARATION OF EMERGING THREAT.**

(a) IN GENERAL.—Congress declares methamphetamine an emerging drug threat, as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701), in the United States.

(b) REQUIRED EMERGING THREAT RESPONSE PLAN.—Not later than 90 days after the date of enactment of this Act, the Director of the Office of National Drug Control Policy shall establish and implement an Emerging Threat Response Plan that is specific to methamphetamine in accordance with section 709(d) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708(d)).

**SA 3845.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 596. AUTHORITY OF STATES TO USE NATIONAL GUARD MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY DURING STATE-DIRECTED RESPONSES TO DOMESTIC INCIDENTS.**

Section 328(b) of title 32, United States Code, is amended—

(1) by inserting “(1)” before “A member”; and

(2) by adding at the end the following new paragraph:

“(2) Under regulations prescribed by the Chief of the National Guard Bureau, the adjutant general of the jurisdiction concerned may authorize a member of the National Guard performing duty under subsection (a) to perform additional duties in response to a State-declared emergency or disaster provided that the adjutant general determines that members performing such additional duties will derive a benefit that satisfies or complements training requirements for the wartime mission or other training objectives of the members’ unit.”.

**SA 3846.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2792, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . PROTECTIONS FOR COVERED INDIVIDUALS.**

Section 7211 of title 5, United States Code, is amended—

(1) by striking “The right of employees” and inserting the following:

“(a) IN GENERAL.—The right of covered individuals”; and

(2) by adding at the end the following:

“(b) REMEDIES.—

“(1) ADMINISTRATIVE REMEDIES.—

“(A) IN GENERAL.—A covered individual with respect to a Federal agency (other than a covered individual described in subparagraph (B), (C), or (D)) who is aggrieved by a violation of subsection (a) may seek corrective action under sections 1214 and 1221 in the same manner as an individual who is aggrieved by a prohibited personnel practice described in section 2302(b)(8).

“(B) FBI EMPLOYEES.—A covered individual with respect to the Federal Bureau of Investigation who is aggrieved by a violation of subsection (a) may seek corrective action under section 2303.

“(C) INTELLIGENCE COMMUNITY EMPLOYEES.—A covered individual with respect to a covered intelligence community element (as defined in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a))) who is aggrieved by a violation of subsection (a) may seek corrective action under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or subsection (b)(7) or (j) of section 3001 of that Act (50 U.S.C. 3341).

“(D) CONTRACTOR EMPLOYEES.—A covered individual with respect to a Federal agency who is an employee of, former employee of, or applicant for employment with, a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency and who is aggrieved by a violation of subsection (a) of this section may seek corrective action under section 2409 of title 10 or section 4712 of title 41.

“(E) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section made under subparagraph (A), (B), (C), or (D) of this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

“(F) CLASS OF INDIVIDUALS ENTITLED TO SEEK CORRECTIVE ACTION.—The right to seek

corrective action under subparagraph (A), (B), (C), or (D) shall apply to a covered individual who is an employee of, former employee of, or applicant for employment with, a Federal agency described in the applicable subparagraph or a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of such a Federal agency, notwithstanding the fact that a provision of law referenced in the applicable subparagraph does not authorize one or more of those types of covered individuals to seek corrective action.

“(2) PRIVATE RIGHT OF ACTION.—

“(A) IN GENERAL.—If a final decision providing relief for a violation of subsection (a) alleged under subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection is not issued within 210 days of the date on which the covered individual seeks corrective action under the applicable subparagraph and there is no showing that the delay is due to the bad faith of the covered individual, the covered individual may bring an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over the action without regard to the amount in controversy, for lost wages and benefits, reinstatement, costs and attorney fees, compensatory damages, equitable or injunctive relief, or any other relief that the court considers appropriate.

“(B) JURY TRIAL.—An action brought under subparagraph (A) shall, upon the request of the covered individual, be tried by the court with a jury.

“(C) BURDEN OF PROOF.—The burdens of proof under subsection (e) of section 1221 shall apply to an allegation of a violation of subsection (a) of this section in an action brought under this paragraph in the same manner as those burdens of proof apply to an allegation of a prohibited personnel practice under such section 1221.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered individual’, with respect to a Federal agency, means an employee of, former employee of, or applicant for employment with—

“(A) the agency; or

“(B) a contractor, subcontractor, grantee, subgrantee, or personal services contractor (as those terms are used in section 2409 of title 10 and section 4712 of title 41) of the agency; and

“(2) the term ‘Federal agency’ means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.”.

**AUTHORITY FOR COMMITTEES TO MEET**

Ms. BALDWIN. Mr. President, I have 10 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 10 a.m., to conduct a hearing.

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 10 a.m., to conduct a hearing.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 10:15 a.m., to conduct a business meeting.

## COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 2:30 p.m., to conduct a hearing.

## COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 10 a.m., to conduct a hearing on nominations.

## COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 2 p.m., to conduct a hearing.

## COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 3 p.m., to conduct a hearing on nominations.

## SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 2 p.m., to conduct a closed briefing.

## SUBCOMMITTEE ON NATIONAL PARKS

The Subcommittee on National Parks of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 10 a.m., to conduct a hearing.

## SUBCOMMITTEE ON WATER AND POWER

The Subcommittee on Water and Power of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, October 6, 2021, at 2:30 p.m., to conduct a hearing.

## PRIVILEGES OF THE FLOOR

Mr. TOOMEY. Mr. President, I ask unanimous consent that Alexander

LePore, an FDIC detailee with my staff, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDING THE FENTANYL SANCTIONS ACT, TO MODIFY CERTAIN DEADLINES RELATING TO THE COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4981, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4981) to amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read three times and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4981) was ordered to a third reading, was read the third time, and passed.

## NATIONAL CHARACTER COUNTS WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 409, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 409) designating the week beginning October 17, 2021, as "National Character Counts Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I know of no further debate on the resolution.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 409) was agreed to.

Mr. SCHUMER. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

## ORDERS FOR THURSDAY, OCTOBER 7, 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, October 7; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon the conclusion of morning business, the Senate proceed to executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 10 A.M. TODAY

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 12:10 a.m., adjourned until Thursday, October 7, 2021, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 2021:

## DEPARTMENT OF EDUCATION

GWEN GRAHAM, OF FLORIDA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION.

ROBERTO JOSUE RODRIGUEZ, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

ELIZABETH MERRILL BROWN, OF MARYLAND, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

## THE JUDICIARY

SARAH A.L. MERRIAM, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.